IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

LA.App..No. 465 of 2001(A)

LAR.57/1994 of PRINCIPAL SUB COURT,KOLLAM
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APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.MANOJ

RESPONDENT/CLAIMANT:
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*PAPPU BHARGAVI, BUNGLAVIL VEEDU,
KILIKOLLOOR CHERRY (DIED)

*ADDL.R2: KUTTAPPAN, BUNGLAVIL PUTHEN VEEDU,
KILIKOLLOOR, CHERRY, KALLUMTHAZHAM P.O.
KOLLAM

ADDL.RESPONDENT NO.2 IS IMPLEADED AS THE LEGAL HEIR OF THE DECEASED 1ST RESPONDENT AS PER ORDER DT.1-10-04 IN C.M.P.NO.839/03.

BY ADV. SRI.B.RADHAKRISHNA PILLAI
SMT.S.AMBIKA DEVI
SRI.BABY JOSE
SRI.R.JYOTHIKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

L.A.A.No.465 of 2001

Dated this the 5th day of March, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against L.A.R.No.57/1994 on the file of the Sub Court, Kollam. The acquisition is for the purpose of widening of the National Highway. The land value fixed by the Land Acquisition Officer was Rs.7186/- per Are. The reference court fixed it at Rs.12,000/- per Are. The total extent involved is only 10.70 Ares. Though the claimants made an attempt to rely on Ext.A6 common judgment in L.A.R.No.61/1991 and connected cases where the land value fixed was at Rs.15,000/- per cent, the reference court declined to accede to the request. However, based on Exts.A2, A3 and A4 documents, which according to the reference court was not seriously disputed by the appellant herein, the land value was fixed at Rs.12,000/- per Are. It was also noted by the reference court that the evidence of P.W.2 was not challenged. It was under such circumstances the reference court fixed the marked value at Rs.12,000/-

per Are. We agree with the reasoning and finding of the reference court. The market value thus fixed is just, reasonable and proper. Therefore, the appeal lacks merit and it is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.

KURIAN JOSEPH &
K.T.SANKARAN, JJ.

L.A.A.No.465 of 2001

JUDGMENT

5th March, 2007